

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN FRANCIS GORDON

Serial No.: 09/284,421

Filed: June 11, 1999

**Title: APPARATUS AND METHOD FOR
CONDUCTING ASSAYS**

Examiner: Bex, P. Kathryn

Group Art Unit: 1743

Attorney Docket No. 18950-37

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that on **November 16, 2001** this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231.

Express Mail No. EL585705280US

By:

Name: Florence Thys-Doucet

TRANSMITTAL OF CPA

Honorable Commissioner for Patents
Box CPA
Washington, D.C. 20231

Sir:

RECEIVED

NOV 28 2001

TC 1700

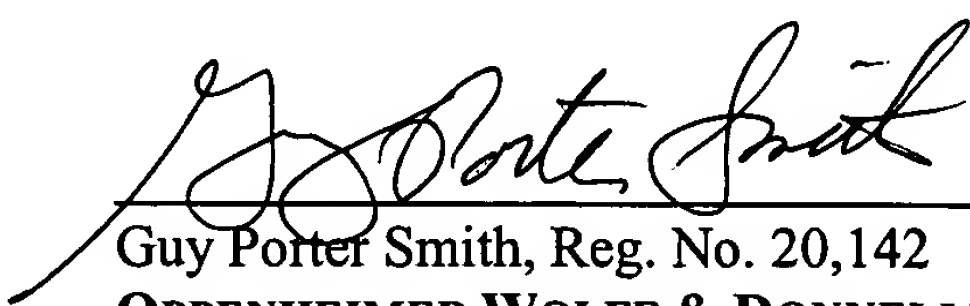
Enclosed for filing please find:

- CPA Application;
- Preliminary Amendment;
- A check in the amount of \$1,055.00 for the CPA filing fee;
- A check in the amount of \$55.00 for the 1 month extension of time fee; and
- 4 sheets of formal drawings which include the changes allowed by the Examiner

in the Office Action dated July 26, 2001.

Respectfully submitted,

Dated: November 16, 2001


Guy Porter Smith, Reg. No. 20,142
OPPENHEIMER WOLFF & DONNELLY LLP
2029 Century Park East, Suite 3800
Los Angeles, California 90067
(310) 788-5000

Please type a plus sign (+) inside this box → ☐

11-26-01

Approved for use through 09/30/00. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
PTO/SB/29 (12/97)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No.	18950-37
	First Named Inventor	J. F. Gordon
	Express Mail Label No.	EL585705280US
	Total Pages	

RECEIVED
NOV 28 2001
TC 1700

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),
(continued prosecution application (CPA)) of prior application number 09/284,421
filed on June 11, 1999, entitled Apparatus and Method for Conducting Surveys

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) and filed on or after June 8, 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371 and filed on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

1. ☒ Enter the unentered amendment previously filed on September 25, 2001
under 37 CFR 1.116 in the prior nonprovisional application.

2. ☒ A preliminary amendment is enclosed.

3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).

a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

5. Information Disclosure Statement (IDS) is enclosed:

a. ☐ PTO-1449

b. ☐ Copies of IDS Citations

11/27/2001 GTEFFERA 00000119 09284421

Y01 FC:231	370.00 OP
Y02 FC:203	279.00 OP
Y03 FC:202	126.00 OP
Y04 FC:204	140.00 OP

Repln. Ref: 11/27/2001 GTEFFERA 0020493900
DAA:162230 Name/Number:09284421
FC: 704 \$140.00 CR

Please type a plus sign (+) inside this box → ☐

PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	51 XX - 20 =	31	31 x \$18 =	\$558.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	6 XX - 3 =	3	3 x \$84 =	\$252.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			2 x \$280.00 =	\$560.00
				BASIC FEE (37 CFR 1.16(a))	\$740.00
				Total of above Calculations =	\$2,110.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$1,055.00
				TOTAL =	\$1,055.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.
b. ☒ A small entity statement was filed in the prior nonprovisional application
and such status is still proper and desired.
c. ☐ is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to
Deposit Account No. 16-2230:

- a. ☐ Fees required under 37 CFR 1.16.
b. ☐ Fees required under 37 CFR 1.17.
c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check in the amount of \$1,055.00 is enclosed.

9. ☐ Other: _____

NOTE: *The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.*

10. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

NAME					
ADDRESS					
CITY		STATE		ZIP CODE	
COUNTRY		TELEPHONE		FAX	

11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

NAME	Guy Porter Smith, Reg. No. 20,142
SIGNATURE	<i>Guy Porter Smith</i>
DATE	November 16, 2001



D. Hawley
PC-Adm+D
11-29-01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

JOHN FRANCIS GORDON

Serial No.: 09/284,421

Filed: June 11, 1999

**Title: APPARATUS AND METHOD FOR
CONDUCTING ASSAYS**

Examiner: Bex, P. Kathryn

Group Art Unit: 1743

Attorney Docket No. 18950-37

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that on November 16, 2001 this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as Express mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231.

Express Mail No. EL585705280US

By:

Name: Florence Thys-Doucet

PRELIMINARY AMENDMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Please add the additional following claims.

RECEIVED
NOV 28 2001
TC 1700

105. An optically transparent structure for conducting assays comprising one or more chambers, each having an upper surface and a lower spaced opposed surface, said upper and lower surfaces defining a space therebetween, the lower surface having a plurality of surface locations bearing a hydrophillic coating, the spacing between said upper and lower surfaces being sufficiently small to facilitate fluid flow by capillary action of a fluid introduced into said space to cover all of the locations bearing a hydrophillic coating.

106. The structure of claim 105 including at least one opening providing access to said space from an external location.

107. The structure of claim 105 wherein areas of said lower surface between said locations having hydrophobic coatings.